THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION Nos. 23177 and 23443 of 2007

COMMON ORDER: (Per the Hon'ble Smt. Justice T. Meena Kumari)

These writ petitions are filed against the common order dated 19.1.2007 passed by the A.P. Administrative Tribunal in O.A. Nos. 3075 of 2005 and 3073 of 2005 respectively. Hence, both the writ petitions are decided by this common order.

Heard the learned counsel for the petitioner and perused the material available on record.

The case of the petitioner – Corporation is that the respondent had got appointment by producing a fake educational qualification certificate and therefore disciplinary proceedings were initiated against him, but due to the hurdles created by the respondent by filing petitions before the Tribunal as well as before this Court the final orders on the disciplinary proceedings could not be passed and in the meanwhile the respondent retired from service; since the disciplinary proceedings initiated against the respondent were not finalized, his pensionary benefits were not paid, but the Tribunal erroneously allowed O.A. Nos. 3073 and 3075 of 2005, filed by the respondent herein, directing the petitioner to release

pensionary benefits and the said order passed by the Tribunal is liable to be set aside.

As could be seen from the material available on record, the main contention of the petitioner is that the delay in finalisation of the disciplinary proceedings against the delinquent is because of the hurdles created by the respondent at every stage of enquiry. But, the petitioner could not place any material as to how the respondent created hurdles in finalisation of disciplinary proceedings. Though the petitioner stated that the respondent filed several O.A.s., before the Tribunal, no material is placed before this Court to the effect that the disciplinary proceedings were stayed at any stage. Even according to the averments of the writ affidavit, when the respondent approached the Tribunal by filing O.A. 3349 of 1992, the Tribunal admitted the O.A. and passed interim orders and also directed the petitioner to proceed with the enquiry as per C.C.A. Rules. Therefore, the delay in finalisation of the disciplinary proceedings cannot be attributed to the respondent. Admittedly, the disciplinary proceedings have been initiated against the respondent in the year 1984 and the delay is inordinate. Therefore, following the decision of the apex Court in P.V. Mahadevan v. M.D. Tamil Nadu Housing Board (2005 (5) Supreme 611), the Tribunal rightly held that the disciplinary proceedings initiated asfar back as in the year 1984 should be deemed to have been closed. In the circumstances, the

direction given by the Tribunal with regard to pensionary benefits of the respondent – applicant needs no interference and we find no illegality or legal infirmity in the order passed by the Tribunal.

We find no merit in the writ petitions. Both the writ petitions are accordingly dismissed.

T. MEENA

KUMARI, J.

G. CHANDRAIAH, J.

Date: 06-11-2007.

MVB.